

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1090

Introduced by Senator Mitchell

February 17, 2016

An act to amend Sections 120500, 120505, 120510, 120515, 120535, 120540, 120565, 120575, and 120605 of, to add Section 120511 to, and to repeal and add Section 120525 of, the Health and Safety Code, relating to sexually transmitted diseases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1090, as amended, Mitchell. Sexually transmitted diseases: outreach and screening services.

The existing Communicable Disease Prevention and Control Act defines the term “venereal disease” to mean syphilis, gonorrhea, chancroid, lymphopathia venereum, granuloma inguinale, and chlamydia. Existing law requires the State Department of Public Health to develop and review plans and participate in a program for the prevention and control of venereal disease, and authorizes the department to establish, maintain, and subsidize clinics, dispensaries, and prophylactic stations for the diagnosis, treatment, and prevention of venereal disease.

This bill would delete the term “venereal disease” and would instead use the term “sexually transmitted diseases” (STDs), which would be defined as diseases that are primarily transmitted through sexual contact. The bill would require the department, to the extent funds are appropriated by the Legislature, to allocate grants to local health jurisdictions for STD outreach and screening services. The bill would target and prioritize the allocation of funds to counties based on

population and incidence of STDs and would require the allocation of funds to targeted counties to balance the need to spread funding to as many counties as possible and the need to provide meaningful services to each funded county. ~~If a targeted county declines a grant, the bill would authorize the department to solicit proposals from community-based organizations to provide outreach and screening services and would provide that any funding provided to community-based organizations may supplement, but not supplant, the authority of the local health jurisdiction to conduct surveillance and surveillance-based disease intervention for STDs. The bill would make specified mandates and accountability measures applicable to the county and to the community-based organization when providing the outreach and screening services.~~

This bill would require the department to authorize innovative and impactful outreach and screening services, such as voluntary screening of inmates and wards of county adult and juvenile corrections facilities, and use of state-of-the-art testing modalities. The bill would require the department to use the accountability measures developed under the bill in order to monitor the activities funded by the ~~bill~~. *bill and would limit the department's expenditures on administrative costs to no more than 10% of the funds appropriated by the Legislature for this purpose.*

The bill would also delete obsolete provisions and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 120500 of the Health and Safety Code
- 2 is amended to read:
- 3 120500. As used in the Communicable Disease Prevention and
- 4 Control Act, defined in Section 27, "sexually transmitted diseases"
- 5 means diseases that are primarily transmitted through sexual
- 6 contact.
- 7 SEC. 2. Section 120505 of the Health and Safety Code is
- 8 amended to read:
- 9 120505. The department shall develop and review plans and
- 10 provide leadership and consultation for, and participate in, a
- 11 program for the prevention and control of sexually transmitted
- 12 diseases.

SEC. 3. Section 120510 of the Health and Safety Code is amended to read:

120510. The department shall cooperate in the prevention, control, and cure of sexually transmitted diseases with all of the following:

- (a) Physicians and surgeons.
- (b) Medical schools.
- (c) Public and private hospitals, dispensaries, and clinics.
- (d) Administrators of public and private elementary and secondary schools and public and private postsecondary educational institutions.
- (e) Penal and charitable institutions.
- (f) Detention homes.
- (g) Federal, state, local, and district health officers, boards of health, and all other health authorities.
- (h) Institutions caring for the mentally ill.
- (i) Any other persons, institutions, or agencies.

SEC. 4. Section 120511 is added to the Health and Safety Code, to read:

120511. (a) To the extent funds are appropriated by the Legislature for these purposes, the department shall allocate funds to local health jurisdictions for sexually transmitted disease outreach and screening services in accordance with the following:

(1) Counties shall be targeted and prioritized based on population and incidence of sexually transmitted diseases.

(2) Funds shall be allocated to targeted counties in a manner that balances the need to spread funding to as many counties as possible and the need to provide meaningful services to each funded county.

(3) Each recipient county shall demonstrate to the department that the county has done all of the following:

- (A) Identified priority target populations.
- (B) Satisfactorily described its outreach protocols.
- (C) Included community-based partners for outreach and screening.
- (D) Allocated resources for laboratory costs.

(4) The department shall develop measures for each county funded pursuant to this section to demonstrate accountability.

~~(5) If a county declines the grant, the department may solicit proposals from community-based organizations to provide outreach~~

1 and screening services in accordance with the same mandates and
2 accountability measures applicable to the counties pursuant to
3 paragraphs (3) and (4). Any funding provided to a
4 community-based organization pursuant to this paragraph may
5 supplement, but does not supplant, the authority of a local health
6 jurisdiction to conduct surveillance and surveillance-based disease
7 intervention for sexually transmitted diseases.

8 (b) The department shall authorize innovative and impactful
9 outreach and screening services, including, but not limited to, the
10 following:

11 (1) Voluntary screening for sexually transmitted diseases among
12 inmates and wards of county adult and juvenile correctional
13 facilities.

14 (2) Social media platforms that allow a person to receive test
15 results, share test results with partners, access treatment services,
16 and reduce administrative costs.

17 (3) State-of-the-art testing modalities that ensure swift and
18 accurate screening for sexually transmitted diseases.

19 (4) Community-based testing and disease investigation.

20 (c) The department shall monitor activities in funded counties,
21 based on the accountability measures required under paragraph
22 (4) of subdivision (a) in order to assess the effectiveness of outreach
23 and screening efforts.

24 (d) *The department shall spend no more than 10 percent of any*
25 *funds appropriated by the Legislature for purposes of this section*
26 *for administrative costs.*

27 SEC. 5. Section 120515 of the Health and Safety Code is
28 amended to read:

29 120515. The department shall investigate conditions affecting
30 the prevention and control of sexually transmitted diseases and
31 approved procedures for prevention and control, and shall
32 disseminate educational information relative thereto.

33 SEC. 6. Section 120525 of the Health and Safety Code is
34 repealed.

35 SEC. 7. Section 120525 is added to the Health and Safety Code,
36 to read:

37 120525. The department may provide medical, advisory,
38 financial, or other assistance to organizations as may be approved
39 by it.

1 SEC. 8. Section 120535 of the Health and Safety Code is
2 amended to read:

3 120535. Any state agency conducting a public hospital shall
4 admit acute sexually transmitted disease cases, when, in the opinion
5 of the department or the local health officer having jurisdiction,
6 persons infected with a sexually transmitted disease may be a
7 menace to public health.

8 SEC. 9. Section 120540 of the Health and Safety Code is
9 amended to read:

10 120540. The department may require any physician in
11 attendance on a person infected, or suspected of being infected,
12 with a sexually transmitted disease infection to submit specimens
13 as may be designated for examination, when in its opinion the
14 procedure is reasonably necessary to carry out the provisions and
15 purposes of this chapter.

16 SEC. 10. Section 120565 of the Health and Safety Code is
17 amended to read:

18 120565. If a person subject to proper sexually transmitted
19 disease control measures discontinues any control procedure
20 required by this chapter, the agency administering the procedure,
21 prior to the discontinuance, shall make reasonable efforts to
22 determine whether the person is continuing to comply with the
23 procedure elsewhere.

24 SEC. 11. Section 120575 of the Health and Safety Code is
25 amended to read:

26 120575. It is the duty of the local health officers to use every
27 available means to ascertain the existence of cases of infectious
28 sexually transmitted diseases within their respective jurisdictions,
29 to investigate all cases that are not, or probably are not, subject to
30 proper control measures approved by the board, to ascertain so far
31 as possible all sources of infection, and to take all measures
32 reasonably necessary to prevent the transmission of infection.

33 SEC. 12. Section 120605 of the Health and Safety Code is
34 amended to read:

35 120605. This chapter shall not be construed to interfere with
36 the freedom of any adherent of teachings of any well-recognized
37 religious sect, denomination, or organization to depend exclusively
38 upon prayer for healing in accordance with the teachings of the
39 religious sect, denomination, or organization. That person, along
40 with any person treating him or her, shall be exempt from all

1 provisions of this chapter regarding sexually transmitted diseases,
2 except that the provisions of this code and the regulations of the
3 board regarding compulsory reporting of communicable diseases
4 and the quarantine of those diseases, and regarding callings that a
5 person with a sexually transmitted disease may not engage, shall
6 apply.

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